

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEWIS K. JAMES,

Defendant.

Case No. CR19-214RSL

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL DATE
AND PRE-TRIAL MOTIONS
DUE DATE

This matter comes before the Court on the parties' "Stipulation to Continue Trial Date and Pre-trial Motions Due Date." Dkt. # 43. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, the Court finds as follows:

1. The Court adopts the facts set forth in the stipulated motion. Dkt. # 43. Considering the recommendations made by the Centers for Disease Control and Prevention ("CDC") and Public Health for Seattle and King County regarding social distancing measures and restrictions required to stop the spread of disease, at this time it is not possible to proceed with a jury trial in this case. See W.D. Wash. Gen. Order Nos. 15-20, 18-20.

2. Due to the Court's reduced ability to obtain an adequate spectrum of jurors, and the impact of the aforementioned public health recommendations on Court operations, the Court finds that a failure to continue the trial date in this case would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i). The Court also specifically finds that the ends of justice served by continuing the trial in this case outweigh the best interest of the public

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1 and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen.
2 Order Nos. 15-20, 18-20.


3 3. The Court finds that the additional time requested between February 1, 2021 and
4 the proposed trial date of August 9, 2021, is a reasonable period of delay.

5 4. Defendant has executed a waiver indicating that he has been advised of his right to
6 a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
7 that right and consented to the continuation of his trial to a date up to and including November
8 1, 2021, Dkt. # 46, which will permit his trial to start on August 9, 2021.

9 5. IT IS HEREBY ORDERED that the trial date shall be continued from February 1,
10 2021 to August 9, 2021, and pretrial motions are to be filed no later than June 18, 2021;

11 6. IT IS FURTHER ORDERED that the period of time from the current trial date of
12 February 1, 2021, up to and including August 9, 2021, shall be excludable time pursuant to the
13 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and
14 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
15 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B)(i).

16 DATED this 22nd day of January, 2021.

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20 Robert S. Lasnik
21 United States District Judge
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